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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
GROUP ART UNIT: 2661 EXAMINER: Phunkulh, Bob A.

INVENTOR: Leonid Yegoshin
CASE: P3356
SERIAL NO.: 09/229,589
FILED: 01/13/1999
SUBJECT: Method and Apparatus for Creating and Distributing COST
Telephony-Switching Functionality within an IP Network

PARTY IN INTEREST: All inventions in the disclosure in the present case are assigned to or assignable to:

Genesys Telecommunications Laboratories, Inc.
2001 Junipero Serra Blvd.
Daly City, CA 94014

TO THE COMMISSIONER OF PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

APPEAL BRIEF

37 C.F.R 1.192(c)(1) Real Party in Interest

The real party in interest is the party named above in the caption of the brief:
Genesys Telecommunications Laboratories, Inc.

37 C.F.R 1.192(c)(2) Related Appeals and Interferences

This is an appeal from the Advisory Action of the Examiner dated November 18, 2003 maintaining the rejection of claims 1-2, 4-8, 10-14 and 16-17, the only pending claims in the application. There are no related appeals or interferences in the instant case.

37 C.F.R 1.192(c)(3) Status of the Claims

Claims 1, 7 and 17 were amended in appellant's Amendment A filed November 16, 2000 in response to the first action in the case mailed August 30, 2000, rejecting claims 1-17. Amended claims 1, 7, 13, 14 and 17 in appellant's Amendment B filed May 09, 2001, in response to a non-Final Office Action mailed February 14, 2001, rejecting claims 1-17. Presented further argument in appellant's Preliminary Amendment filed October 24, 2001 in response to a Final Office Action mailed July 25, 2001 rejecting claims 1-17. Presented further argument in appellant's Preliminary Amendment filed April 03, 2002 in response to the Final Office Action mailed February 25, 2002, rejecting claims 1-17. Amended claims 1 and 17 in appellant's Amendment E filed June 26, 2002 in response to a Final Office Action mailed April 22, 2002, rejecting claims 1-17. Presented further argument in appellant's Amendment F filed September 03, 2002 in response to a non-Final Office Action mailed July 15, 2002, rejecting claims 1-17. Amended claims 1, 7, 13 and 17, and cancelled claims 3, 9, and 15 in appellant's Response G filed March 11, 2003 in response to a Final Office Action mailed December 13, 2002, rejecting claims 1-17. Presented further argument in appellant's Response H filed October 20, 2003 in response to a non-Final Office Action mailed May 22, 2003, maintaining the rejection of claims 1-2, 4-8, 10-14 and 16-17, and finally, appellant has filed a Notice of Appeal on August 8, 2003. Therefore, claims 1-2, 4-8, 10-14 and 16-17 in their last-amended form are left standing for examination and have been maintained in that present form until the present Appeal.

37 C.F.R 1.192(c)(4) Status of Amendments

Following is a chronological listing of Office actions and Amendments filed in the instant case:

1. Case filed with claims 1-17 on January 13, 1999, case accorded USSN 09/229,589.
2. First Office Action mailed August 30, 2000 rejecting claims 1-17.

3. Response filed 11/16/2000 as Amendment A amending claims 1, 7, and 17.
4. Non-Final Office Action mailed February 14, 2001 rejecting claims 1-17.
5. Response filed on 5/9/2001 as Amendment B amending claims 1, 7, 13, 14 and 17.
6. Final Office Action mailed July 25, 2001 rejecting claims 1-17.
7. Response filed 10/24/2001 as Preliminary Amendment in response to Final Action, presenting further arguments.
8. Final Office Action mailed February 25, 2002 rejecting claims 1-17.
9. Response filed on 4/3/2002 as Preliminary Amendment in response to Final Action, presenting further arguments.
10. Non-Final Office Action mailed April 22, 2002 rejecting claims 1-17.
11. Response filed 6/26/2002 as Amendment E amending claims 1 and 17.
12. Non-Final Office Action mailed July 15, 2002 rejecting claims 1-17.
13. Response filed on 9/3/2002 as Amendment F presenting further arguments.
14. Non-Final Office Action mailed December 13, 2002 rejecting claims 1-17.
15. Response filed on 3/11/2003 as Response G amending claims 1, 7, 13 and 17, and canceling claims 3, 9 and 15.
16. Non-Final Office Action mailed May 22, 2003 rejecting claims 1-2, 4-8, 10-14 and 16-17.
17. Response filed on 10/20/2003 as Response H presenting further arguments.
18. Notice of Appeal filed on August 8, 2003.
19. Advisory Office Action mailed November 18, 2003 maintaining the rejection of claims 1-2, 4-8, 10-14 and 16-17.

As of the time of the present Appeal Brief, claims 1-2, 4-8, 10-14 and 16-17 as last amended stand for decision on appeal from the Examiner's Advisory Office Action mailed on November 18, 2003.

37 C.F.R 1.192(c)(5) Summary of the Invention

The invention is a system in an IP network for simulating connection-oriented telephony functions, comprising two or more IP routers interconnected with at least two Internet-capable call appliances on the network, and software, managing set up and execution of IP calls between the two or more Internet-capable call appliances through the routers.

The system according to a first embodiment of the present invention is depicted in Figure 1. A table illustrating several IP/PBX primitives, which may be emulated in the system of Figure 1, and a block diagram illustrating a CTI management link to an IP network, according to embodiments of the present invention, are illustrated in Figures 2 and 3 respectively.

The IP network and system of the present invention are exemplified in claim 1, which recites a system for simulating connection-oriented telephony functions, wherein IP calls are managed between one of said call appliances (51/53, 55/57, Fig. 3) originating IP calls, wherein the IP calls terminate to an end destination of another of said call appliances by the software by setting up separate and distinct end node legs (A1, B3, C2, Fig. 1) between call appliances and routers, and separate and distinct intermediate legs (A2, B2, C3) between routers, and then joining and disjoining the call legs to establish voice communication and to provide telephony functions between said call appliances, and maintaining call legs once established for future use to be rejoined to other established call legs. In the first embodiment of the present invention as depicted in Figure 1, an IP communications system 11 emulating a PBX functionality according to an embodiment of the present invention includes three connected communications sites 13, 15, and 17, which may, in one embodiment, be communications centers, or in other embodiments, may be communication-network hubs linking multiple communication centers or call-in sites. IP switches 19, 21 and 23 are implemented one each at respective communication site 13, 15, and 17. IP switch 19 within site 13 is linked to IP switch 21 within site 15 via a data-network connection 27. IP switch 19 is also connected to IP switch 23 within site 17 via a data-network connection 25. Data-network connections 27 and 25 are, in this embodiment, integrated-service-digital-network

(ISDN) connections. However, other known types of connections may be used provided that at least one voice-communication protocol of the family of network protocols known as Transfer-Control-Protocol/Internet-Protocol (TCP/IP) is observed. One such protocol enabling voice communication is H323 IP protocol.

A connection-oriented telephony function simulation system is provided wherein at least two Internet-capable call appliances on the network are interconnected with two or more IP routers, and set up and execution of IP calls between the two or more Internet-capable call appliances are managed by software through the routers. IP call set up and execution management software is a novel and unique implementation, managing IP calls between one of the call appliances originating IP calls, and separate and distinct intermediate legs between routers, and then joining and disjoining the intermediate legs to establish voice communication, and to provide telephony functions between the call appliances, and maintaining the call legs once established for future use to be rejoined to other established call legs.

In some embodiments, call appliances in the connection-oriented telephony function simulation system include Interactive Voice Response (IVR) units, and the system establishes end-node legs between IVRs and IP routers. In some cases the management software executes directly on one or more IP routers connected to the network, and another cases, the software executes on one or more processors enhancing IP routers on the network. The connection-oriented telephony function simulation system, in some embodiments, further comprises a local area network (LAN) connecting end appliances at one or more of the IP routers, wherein end-node legs are established via the LAN to appliances on the LAN.

A process for simulating connection-oriented telephony functions in an IP network is provided, comprising the steps of managing IP calls by interconnecting two or more IP routers with two or more Internet capable call appliances on a network, at least one of said call appliances originating the IP calls, and terminating IP calls to destinations at another of said call appliances, setting up separate and distinct end-node call legs between the call appliances and routers, and separate and distinct intermediate call legs between routers, joining and disjoining legs to provide telephony functions between said call appliances, and maintaining

one or more disjointed legs in established state for future use to be rejoined to other established call legs in providing telephony functions. Independent method claim 7 is directed to this process flow.

In some embodiments of the method, Internet-capable call appliances include Interactive Voice Response (IVR) units wherein the system establishes end-node legs between the IVRs and IP routers. In some cases software managing set up and execution of IP calls between the Internet-capable call appliances through the IP routers executes directly on one or more of the IP routers connected to the network, and another cases, the software executes on one or more processors enhancing IP routers on the network. In some embodiments, a local area network (LAN) connects end appliances at one or more of the IP routers, and further comprises a step for establishing end-node legs via the LAN to appliances on the LAN.

A method for establishing an IP telephone call from a first IP-capable appliance through first and second IP routers to a second IP-capable appliance is further provided, comprising the steps of setting up a separate and distinct end-node call leg between the first appliance and the first router, setting up a separate and distinct end-node call leg between the second appliance and the second router, setting up at least one separate and distinct intermediate call leg between the first and second IP routers, joining the call legs to establish voice communication between the first and second appliances, and maintaining the call legs after being disjointed from active calls to be used later to be joined to other call legs to create other active calls.

In some embodiments the method for establishing an IP telephone call from a first IP-capable appliance through first and second IP routers to a second IP-capable appliance, include steps for setting up further call legs to additional interconnected appliances and between additional routers, and for joining and disjointing call legs to establish voice communication by different paths over established call legs. In some cases call legs are established to Interactive Voice Response units in the Internet-capable call appliances.

In embodiments of the invention, by setting up separate and distinct call legs between routers and appliances, and then joining and disjointing the legs to establish and discontinue

voice communication, legs can be joined and disjoined to provide different active calls and to provide intelligent call functions not before available in IP-telephony.

In another embodiment of the invention, a system for simulating connection-oriented telephony functions in an IP network is provided, comprising two or more IP routers interconnected with two or more Internet-capable call appliances on the network, and software, managing set up and execution of the IP calls between the Internet-capable call appliances through the routers, wherein the IP calls are managed by the software by setting up call legs between the call appliances and routers, and between routers, which can then be manipulated, disjoined and joined to establish voice communication and to provide telephony functions between the call appliances, and by maintaining call legs once established for future use to be rejoined to other established call legs, wherein one of said call appliances is the originator of the IP calls and another of said call appliances is the end destination of the IP calls.

37 C.F.R 1.192(c)(6) Issues

Whether the Examiner in the present case makes a proper rejection of claims 1, 4-7, 10-14 and 17 as unpatentable over the system of Guy in view of Rosenberg, and whether a proper rejection of claims 2, 8 and 16 is made as being unpatentable over Guy/Rosenberg as applied to claims 1, 7 and 13, and further in view of Andrews. Appellant asserts that the combination of references relied upon by the Examiner lacks motivation and fails to teach or suggest the present invention as claimed. Appellant argues that the combined prior art references relied upon by the Examiner fails to teach, suggest or intimate appellant's key limitations of the

two or more IP-capable call appliances, or maintaining disjointed call legs in an established state for future re-joining with other distinct established call legs. as claimed.

37 C.F.R 1.192(c)(7) Grouping of Claims

All of the pending claims stand or fall together, and there is no presented grouping of separately patentable claims.

37 C.F.R 1.192(c)(8) Argument

In the Advisory Office Action from the Examiner, dated November 18, 2003, the Examiner has indicated that appellant's request for continued examination, filed March 11, 2003 accompanying appellant's response to the Final Office Action dated December 13, 2002, and substantial arguments presented in appellant's response to the non-Final Office Action mailed May 22, 2003, do not place the application in condition for allowance, and appellant's arguments presented are not persuasive to the Examiner.

Regarding claims 1, 4-5, 7, 10-11, 13-14 and 17, the Examiner has stated in the Office Action dated May 22, 2003, that the reference of Guy substantially discloses the limitations of the claims, with the exception of explicitly disclosing that the end destination is an Internet-capable call appliance. Further, the Examiner has finally admitted in the above-referenced Office Action that Guy also fails to explicitly disclose the key and important limitation of the base claims of the instant application, of maintaining call legs once established for future use to be re-joined to other established call legs. The Examiner has relied on the reference of Rosenberg for disclosing this deficiency, stating that it would have been obvious to maintain a connection between the routers after a particular call is completed, as taught by Rosenberg, and implementing the teaching in the system of Guy.

It is the Examiner's contention that Guy, in figure 2, discloses transmitting packets from a computer i.e. PC phone across a WAN network to an analog phone as its destination, and that Guy also discloses, in figure 1 another PC phone connected to the WAN network opposite to the computer. The Examiner has stated that Rosenberg discloses the claimed limitation of maintaining the connection between two locations having high-volume long distance calls over a data network i.e. Internet (col. 3, lines 12-38).

Appellant wishes to focus the Board's attention on the recited limitations in the base claims of "two or more IP routers interconnected with at least two Internet-capable call appliances on the network" and "wherein IP calls are managed between one of said call appliances originating IP calls, wherein the IP calls terminate to an end destination of another of said call appliances by the software by setting up separate and distinct end node legs between call appliances and routers, and separate and distinct intermediate legs between routers wherein the IP calls terminate to an end destination of another of said call appliances by the software".

The reference of Guy was introduced by the Examiner in the non-Final Office Action dated February 14, 2001, rejecting the base claims as anticipated by Guy, stating that Guy discloses a system and method for transmitting packets across a wide area network from a local phone coupling to a computer e.g. PC-phone, comprising at least two PC phones (conventional telephone 103 coupled to computer 105) and conventional phone 143 coupled

to computer 145, figure 1) located in different locations. Appellant provided substantial argument that the call appliances 103/105 and 143/145 cannot read on the claimed limitations because the two sets comprising the call appliances do not communicate with each other, and the reference does not even contemplate connecting 103/105 to 143/145, much less providing cost functionality to that connection. Guy clearly teaches that each of said call appliances place calls to destination telephones on the PSTN (col. 6, lines 36-37), not to each other. In fact, the prior art described in the specification of the instant application which the claimed invention is intended to overcome amply and fully describes the invention of Guy.

Appellant further argued that the art of Guy cannot possibly accomplish the flexibility and functionality of the claimed invention simply because calls are not set up between at least two IP call capable appliances as claimed, and still further that, because Guy discloses a call set up/tear-down unit 404 performing in controlling the call set up procedure and the call tear-down procedure, Guy cannot possibly teach establishing and maintaining separate nodes.

In support of appellant's argument over Guy, appellant amended the language of the claims to specifically recite that the IP calls are managed between one of said call appliances originating IP calls, wherein the IP calls terminate to an end destination of another of said call appliances by the software, and that joining and disjoining the legs establishes voice communication and provides telephony functions between said call appliances.

The Examiner responded that Guy discloses a PC 103 with telephony software for transmitting signal information and aural data across a LAN and/or WAN to a gateway unit (145, figure 1), which appellant considered as not adequately responsive to the actual argument and claimed amendment previously provided by appellant over Guy. Appellant pointed out that element 145 is not a gateway unit; rather, it is simply a telephone connected to a computer. The gateway units of Guy are clearly indicated as elements 101A and 101B (figure 1). Appellant further pointed out that in every single embodiment of Guy, calls originating from PC phone 103/105 terminate at PSTN-connected telephone 142, which is clearly and unarguably not an Internet capable appliance. In contrast to the Examiner's contention, calls are not placed from PC phone 103/105 to PC phone 143/145. Guy clearly teaches that set up between the original call appliance and the destination call appliance

requires, in each connection, set up from source to final destination each time a connection is needed, which teaches away from the claimed invention.

In several subsequent rounds of prosecution appellant provided further substantial argument supporting that the call appliances and routers 103/105 and 143/145 of Guy do not communicate with each other and the reference fails to provide any teaching for suggestion of manipulating established call legs in order to perform telephony call functions. The Examiner maintained deposition, however, stating that, with reference to figure 1, Guy discloses that the call appliances are connected to each other through connections to routers 114 and 132, via interface 123 and must therefore communicate because of the connection that appears to be shown in the figure, adding that the telephones 105/145 to have the ability to communicate with a destination phone 142 connected to PSTN 140. Appellant further argued and maintained that the reference of Guy still clearly does not teach communication between two IP call appliances as is specifically taught and claimed in the instant application. The claims of the instant application do not recite communication from a local phone to a PC phone; rather, the claims recite communication between two Internet-capable appliances. Any communications in Guy always takes place between a phone connected to a computer 103/105 and a PSTN or PBX connected telephone 142/129.

To further support appellant's arguments, appellant further amended claim 1 to include the specific language of software managing set up and execution of IP calls between the two or more Internet-capable call appliances through the routers, and provided substantial additional supporting arguments, pointing out the deficiencies in the teachings described in the specific portions of Guy cited and applied by the Examiner in support of the Examiner's position. Appellant reproduces below one specific portion of Guy (col. 5, line 66 to col. 6, line 34) relied upon by the Examiner in support of the Examiner's position that Guy teaches or suggests calls being placed between two Internet-capable appliances:

"The present invention is a system and method for enabling aural signals, e.g., voice signals, facsimile (fax) signals, and modem signals, to be generated and transmitted from a telephone, e.g., a PC-phone, to another telephone that is coupled to a PSTN 140, by having a GU 101B

coupled to the PSTN 140 where the GU 101B allows communication between a phone 142 connected to a PSTN 140 and another phone or PC-phone connected to LAN 134 or LAN 116 over WAN 104. The GU 101 is located in either a file server 122 coupled to a computer network or in a personal computer coupled to a first local configuration 102A. The file server 122 performs a setup operation to prepare a connection between two aural signal generation devices, e.g., between the PC-phone system 103/105 in the first local configuration 102A and a destination telephone, i.e., a second telephone 142, in a second local configuration 102B. If the PC-phone system 103/105 initiates a call, the computer 103 sets-up the connection, converts the received aural signals into digital signals and compresses the digital signals, as described below. An example of a PC-phone system is VocalTec's Internet Phone that is commercially available from VocalTec Ltd., Northdale, N.J. Packets are generated from the compressed digital signals and these packets are transmitted to the router 114 via the network connection 113. The router 114 transmits the packets across a wide area data network (WAN) 104, e.g., leased lines, frame relay, or the Internet, and the packets are received by the second router 132 in the second local configuration 102B. The second router 132 transmits the packets to the destination server 122. The gateway unit 101B in the destination server 122 converts the compressed digital signals in the packet into analog signals that utilize the PSTN signal protocol or the PBX signal protocol for the second local configuration 102B and transmits the signal to the (target) second telephone 142 that is connected to PSTN 140 or telephone 129 connected to PBX 128."

Appellant wishes to point out and make very clear that there is absolutely no teaching in the above portion of Guy of calls being placed between two Internet-capable appliances. Communication in Guy always, in every instance, takes place between a phone connected to a computer 103/105 and a PSTN or PBX connected phone 142 or 129.

In response to appellant's above arguments and slight claim amendment specifically reciting software managing set up and execution of IP calls between the two or more Internet-capable call appliances, the Examiner finally admitted in the Office Action dated July 15, 2002, that the reference of Guy fails to explicitly disclose that the end destination for the call is an Internet-capable call appliance, as has been appellant's argued position from the

beginning. The Examiner however, changed the prima facie rejection of the base claims as anticipated by Guy, to an obviousness rejection, stating that it would have been obvious to originate a call from PC phone 103/105 and designate the call to PC phone 145/143 thus minimizing the call delay caused by converting compressed digital signals into analog signals.

In response appellant traversed the Examiner's reasoning of obviousness, pointing out that in order to support the conclusion that the claimed invention is directed to obvious subject matter, either the reference must expressly or implicitly suggested the claimed invention or the Examiner must present a convincing line of reasoning as to why the skilled artisan would have found the claimed invention to have been obvious in light of the teachings of the reference. Both the suggestion to make the claimed combination and the reasonable expectation of success must be founded in the prior art and not in the disclosure of the application. Appellant further argued that the originating call of Guy dials a PSTN telephone number and does not place an Internet call to another communicator on the Internet. The calls placed from phone 105 in Guy are converted at both ends (see figure 5), therefore, the Examiner's reasoning that bypassing conversion at the receiving end, unarguably fails, because conversion must also take place at the call originating end. Only in the specification of the instant application is there any teaching of true IP calls from origination to destination.

After several exhaustive rounds of prosecution comprising substantial argument by both ends regarding the prior art reference of Guy, and some claim amendment by appellant to more particularly point out and distinctly claim the patentable subject matter, appellant was compelled to substantially limit the base claims in appellant's response to the Office Action dated December 13, 2002, made Final, to specifically recite that the call legs, once established and joined or disjoined, are maintained in the established state for future use to be re-joined to other established call legs. Appellant accordingly canceled the depending claims reciting said limitations. Appellant insisted that the Examiner must now specifically address the key limitation, which had not been adequately addressed by the Examiner in previous responses to appellant's arguments, that not only does Guy clearly fail to disclose IP calls between two or more Internet-capable call appliances, but also fails to disclose the new limitations of the base claims as amended pertaining to maintaining established call legs.

In response to appellant's above arguments and substantially limiting claim amendments, the Examiner, in the Office Action dated May 22, 2003, maintained the position that Guy substantially discloses the claimed limitations of the application, but finally admitted that the reference of Guy does not explicitly disclose that the end destination is an Internet-capable call appliance, and further admitted that Guy fails to explicitly disclose the important claimed limitation of maintaining call legs once established for future use to be re-joined to other established call legs. The Examiner therein provided the new reference of Rosenberg, for disclosing these deficiencies.

Appellant emphasizes to the Board, however, the specific claimed limitations of 'Internet-capable call appliances', and 'setting up separate and distinct end node legs between call appliances and routers', because the reference of Rosenthal clearly fails to explicitly teach or suggest these limitations, which are necessary for practicing the claimed invention. Rosenthal teaches, with reference to figure 2, and specifically col. 4, lines 7-52, that station sets S1 - S4 are not Internet-capable call appliances; rather, the station sets are equivalent to those of the prior art example of figure 1. The station sets are conventional telephone sets, not Internet-capable call appliances, and are connected to telephony processors 214 of the Internet gateways 200 and 201 via local central offices. It is clearly taught that the call legs are established and maintained between the Internet gateways, not, in addition, between Internet-capable call appliances and routers (switches), as claimed in the instant application. Since Rosenthal clearly does not teach Internet-capable call appliances, appellant strongly argues that Rosenthal, therefore, cannot set up and maintain separate and distinct end node legs between Internet-capable call appliances and routers.

The clear advantageous distinction of the invention of the instant application is that the end node legs between the routers and the end nodes (Internet-capable call appliances) over respective Local Area Networks. Referring to figure 1 of the instant application, an end node leg may be established between switch 39 and DNT phone 51, switch 39 and DNT phone 53 or other connected devices that are capable of IP communications, and virtually any COST switching function may be emulated on the network link coupling the switches and Internet-capable devices. Rosenthal, in contrast, teaches setting up intermediate call legs over the link

between Internet gateways 200 and 201 via Internet network 202, not between switches or routers, and Internet-capable call appliances.

Appellant asserts that, firstly, the combined art of Guy/Rosenberg clearly did not produce the claimed invention because the specific limitation of Internet-capable call appliances is not explicitly disclosed or suggested in either reference, and secondly, there is no specific teaching or suggestion in either reference of setting up and maintaining separate and distinct end node legs between Internet-capable call appliances and routers, and there is no motive or incentive in either reference to combine the teachings.

Appellant respectfully reminds the Board that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent sufficient teaching or suggestion supporting the combination, and appellant argues in this case, the prior art of record clearly fails to provide such teaching, incentive or ability as argued above by appellant on behalf of the base claims. Appellant therefore argues that, in this case, a proper rejection under 35 U.S.C. 103(a) cannot be made combining the art of Guy/Rosenthal, and therefore strongly believes that claim 1 is clearly and unarguably patentable over the prior art combination. Appellant's independent claims 7, 13 and 17 recite a method for simulating connection-oriented telephony functions in an IP network, a method for establishing an IP telephone call from a first IP-capable appliance through first and second IP routers to a second IP-capable appliance, and a system for simulating connection-oriented telephony functions in an IP network, respectively, in accordance with claim 1, reciting the same key and patentable limitations as argued above on behalf of claim 1. Appellant therefore believes that independent claims 7, 13 and 17 are also then clearly and unarguably patentable over the combination of Guy/Rosenthal. Depending claims 4-6, 10-12 and 14 are then patentable on their own merits or at least as depended from a patentable claim.

The Examiner has rejected claims 2, 8 and 16 as unpatentable over Guy/Rosenberg, as applied to claims 1, 7 and 13, and further in view of Andrews. In view of appellant's above demonstration that the combination of Guy/Rosenberg fails to explicitly teach or suggest appellant's claimed invention as recited in the independent claims, claims 2, 8 and 16 are patentable on their own merits, or at least as depended from a patentable claim.

In conclusion, is respectfully submitted that the prior art provided by the USPTO in this case, either singly or in combination, essentially fails to teach or suggest all of the limitations and capabilities as recited in appellant's claim language. Accordingly, appellant respectfully requests that the Board reversed the rejection of the claims and hold them allowable.

37 C.F.R 1.192(c)(9) Appendix

The following are the claims involved in the Appeal:

1. A system for simulating connection-oriented telephony functions in an IP network, comprising:

two or more IP routers interconnected with at least two Internet-capable call appliances on the network; and

software managing setup and execution of IP calls between the two or more Internet-capable call appliances through the routers;

wherein IP calls are managed between one of said call appliances originating IP calls, wherein the IP calls terminate to an end destination of another of said call appliances by the software by setting up separate and distinct end node legs between call appliances and routers, and separate and distinct intermediate legs between routers, and then joining and disjoining legs to establish voice communication and to provide telephony functions between said call appliances, and maintaining call legs once established for future use to be rejoined to other established call legs.

2. The system of claim 1 wherein call appliances include Interactive Voice Response (IVR) units, and wherein the system establishes end-node legs between IVRs and IP routers.

4. The system of claim 1 wherein the software executes directly on one or more IP routers connected to the network.

5. The system of claim 1 wherein the software executes on one or more processors enhancing IP routers on the network.

6. The system of claim 1 further comprising a local area network (LAN) connecting end appliances at one or more of the IP routers, and wherein end-node legs are established via the LAN to appliances on the LAN.

7. A method for simulating connection-oriented telephony functions in an IP network, comprising steps of:

(a) managing IP calls by interconnecting two or more IP routers with two or more Internet capable call appliances on a network, at least one of said call appliances originating the IP calls, and terminating IP calls to destinations at another of said call appliances;

(b) setting up separate and distinct end-node call legs between the call appliances and routers, and separate and distinct intermediate call legs between routers;

(c) joining and disjoining legs to provide telephony functions between said call appliances; and

(d) maintaining one or more disjointed legs in established state for future use to be rejoined to other established call legs in providing telephony functions.

8. The method of claim 7 wherein call appliances include Interactive Voice Response(IVR) units, and wherein the system establishes end-node legs between IVRs and IP routers.

10. The method of claim 7 wherein the software executes directly on one or more IP routers connected to the network.

11. The method of claim 7 wherein the software executes on one or more processors enhancing IP routers on the network.

12. The method of claim 7 further comprising a local area network (LAN) connecting end appliances at one or more of the IP routers, and a step for establishing end-node legs via the LAN to appliances on the LAN.

13. A method for establishing an IP telephone call from a first IP-capable appliance through first and second IP routers to a second IP-capable appliance, comprising steps of:

- (a) setting up a separate and distinct end-node call leg between the first appliance originating an IP call and the first router;
- (b) setting up a separate and distinct end-node call leg between the second appliance receiving and being the destination for the IP call, and the second router;
- (c) setting up at least one separate and distinct intermediate call leg between the first and second IP routers; and
- (d) joining the call legs to establish voice communication between said first and second appliances; and
- (e) maintaining call legs after being disjoined from active calls to be used later to be joined to other call legs to create other active calls.

14. The method of claim 13 further comprising additional interconnected routers and appliances, and including steps for setting up further call legs to additional appliances and between routers, and for joining and disjoining call legs to establish the voice communication by different paths over established call legs.

16. The method of claim 14 further comprising Interactive Voice Response (IVR) units, and wherein call legs are established to IVRs.

17. A system for simulating connection-oriented telephony functions in an IP network, comprising:

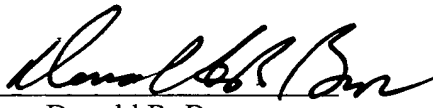
- two or more IP routers interconnected with two or more Internet capable call appliances on a network; and
- software managing setup and execution of IP calls between said call appliances through the routers;
- wherein IP calls are managed by the software by setting up call legs between said call appliances and routers, and between routers, which can then be manipulated, disjoined and

joined to establish voice communication and to provide telephony functions between said call appliances, and maintaining call legs once established for future use to be rejoined to other established call legs, wherein one of said call appliances is the originator of the IP calls and another of said call appliances is the end destination of the IP calls.

If any additional time extensions are required beyond any extension petitioned with this Appeal Brief, such extensions are hereby requested. If there are any fees due beyond any fees paid with this Appeal Brief, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,

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